



**TOWN OF TEWKSBURY  
CONSERVATION COMMISSION  
999 Whipple Road  
Tewksbury, MA 01876**

Stanley Folta, Chairman  
Anthony Ippolito, Vice-Chair  
Sean Czarniecki, Clerk  
Stephen Deackoff  
Dennis Sheehan

**Meeting Minutes  
April 17, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Stephen Deackoff, Sean Czarniecki, and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary. Anthony Ippolito was not in attendance.

**Approval of Meeting Minutes – March 20, 2013**

**MOTION:** Mr. Czarniecki made the motion to approve the March 20, 2013 meeting minutes as presented; seconded by Mr. Sheehan and the motion carried 4-0.

**A) Enforcement Order, Peter Civitarese, 51 Andrea Drive, Map 20, Lot 82**

Present was Steve Erickson of Norse Environmental Service and Peter and Kim Civitarese. Mr. Erickson explained that the Civitareses purchased this property in 2007. At that time, there was a shed on the property and they were informed that property line went to the left of the shed. On this assumption, the Civitareses constructed a basketball court. A permit was not obtained as Mr. Civitarese was not aware that one was needed. Mr. Erickson explained that it has since been determined that they were within 100 feet of the wetlands and the shed was not on their property nor is the basketball court. Both structures are located on land owned by the town. Mr. Erickson explained that some research on this property has been done and they have submitted a plan showing the property, location of the shed, and location of the basketball court. There are various maps including the as-built from 2001, a 2005 Google Earth timeline, a 2007 Google Earth timeline, Mass GIS map, etc. All of which are incorrect as they show no wetlands in this particular area.

Mr. Erickson noted that the wetlands have been flagged and are located at the rear and the southerly side of the property. Neither of these wetlands has been impacted by the basketball court. Mr. Erickson explained that the harm is that the Civitarese's are using property that does not belong to him. Mr. Civitarese is willing to relocate the basketball court and restore the area with the approval of the Commission.

Mr. Folta noted that this may be more of a town matter rather than a Conservation Commission matter as the town owns the land.

Mr. Erickson noted that they are requesting additional time to consider some options to address the land ownership issues.

Mr. Folta noted that he spoke with Mr. Boyd, Steve Sadwick (Director of Community Development), and the town manager, Richard Montuori and they will be discussing this matter with town counsel to see what can be done. Mr. Folta noted that there is an area that has been disturbed where the lighting has been installed and requested this area be loomed and seeded as soon as possible. Mr. Folta requested Mr. Boyd be kept up to date on this matter.

Mr. Deackoff noted that the site states it is 35,000 square feet and asked if it is a cluster subdivision. Mr. Erickson explained it is an open space subdivision with the open space being the area where the basketball court was installed. Mr. Deackoff suggested the area be marked out with permanent demarcations. Mr. Erickson noted that the property has been staked out to ensure this does not happen again in the future.

**MOTION:**        **Mr. Folta made the motion to ratify the enforcement order, Peter Civitarese, 51 Andrea Drive, Map 20, Lot 82; seconded by Mr. Czarniecki and the motion carried 4-0.**

**B) Public Hearing, Notice of Intent, Michael Welch, 418 Pleasant Street, Map 32, Parcel 49, DEP # Pending**

Mr. Steve Erickson of Norse Environmental Service was present. Mr. Erickson provided the members with a reduced copy of the plan for the site. Mr. Erickson explained that there is an existing single family dwelling at this location. There are wetlands located on the left hand side of property as well as small ditch to the rear that meets the qualifications of an intermittent stream. The applicant is proposing to remove the existing building and shed and construct a new structure. The new structure will be 63 feet from the wetlands; which is further away than the existing structure. Mr. Erickson noted that they have provided infiltration for the rooftop and driveway runoff and most of the trees will remain. The applicant is also meeting all of the criteria of the Wetland Protection Act and the local bylaws.

Mr. Czarniecki noted that there is a lot of materials located at this site and asked if the existing materials in the no disturb area will be removed. Mr. Erickson confirmed this. Mr. Czarniecki asked what will happen with the chain link fence. Mr. Erickson explained that the fence will be removed.

Mr. Folta opened the hearing to the public and no one came forward.

Mr. Folta explained that this matter will be continued as the DEP number has not yet been issued.

**MOTION:**        **Mr. Folta made the motion to continue Notice of Intent, Michael Welch, 418 Pleasant Street, Map 32, Parcel 49, DEP # pending to May 1, 2013 at 7:08 p.m.; seconded by Mr. Czarniecki and the motion carried.**

## **New Business**

Mr. Czarniecki explained that he has prepared a report regarding the Wetland Protection Bylaws that he would like to have put on the town's website for the public to view. The public hearing on this will take place on May 1, 2013.

**MOTION:** Mr. Czarniecki made motion to publish his report on the town website for public viewing; seconded by Mr. Folta and the motion carried 4-0.

Mr. Deackoff noted that Earth Day is Saturday and the Commission has been invited to participate. Mr. Deackoff will be there on behalf of the Commission.

## **Old Business**

There was no old business.

## **Administrator's Report**

Mr. Boyd explained that he visited 40 Bridle Path at the request of the Assistant Building Commissioner. The property owners are currently working on an addition and deck. While tying the drainage into the preexisting drainage the drywells failed. Mr. Boyd recommended sending the drainage into the detention basin rather than the wetlands. Mr. Boyd asked if the Commission would prefer the matter be brought back before the Commission to review this. It was the consensus of the Commission that Mr. Boyd's recommendation is acceptable and a non substantial change will be made to the Order.

Mr. Boyd noted that he has received a couple of inquiries as to why the minutes are not on the town website.

**MOTION:** Mr. Deackoff made the motion that the Conservation Commission meeting minutes shall be put on the town's website; seconded by Mr. Folta and the motion carried 4-0.

## **Adjournment**

**MOTION:** Mr. Czarniecki made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 4-0.

*Respectfully submitted,*

Approved: \_\_\_\_\_

Sean Czarniecki, Clerk

7/8/13  
\_\_\_\_\_  
Date